IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

Crl.MC.No. 905 of 2007()

---

C.R.NO. 25/05 OF EXCISE RANGE, CHATHANNOOR

PETITIONER: 2ND ACCUSED

---

GODAVARMA,
LICENSEE, T.S.NO.6/2003-2004,
CHATHANNOOR EXCISE RANGE, RESIDING AT
KUZHUVILA VEEDU, MANGAD, KOLLAM.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS: COMPLAINANT

---

1. THE STATE OF KERALA, REPRESENTED BY
THE EXCISE INSPECTOR, EXCISE RANGE OFFICE,
CHATHANOOR, KOLLAM DISTRICT.

2. THE ASSISTANT EXCISE COMMISSIONER,
CHINNAKKADA, KOLLAM.

3. THE COMMISSIONER OF EXCISE,
KERALA STATE, PUBLIC OFFICE BUILDING,
MUSEUM, THIRUVANANTHAPURAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R. BASANT, J.**

- - - - - - - - - - - - - - - - - - - - - -

Crl.M.C.No. 905 of 2007

- - - - - - - - - - - - - - - - - - - - - -

Dated this the 26th day of March, 2007

**O R D E R**

The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that in the light of the decision in **State of Kerala** v. **Unni** (2007 (1) KLT 151 (SC)), this prosecution in which the only allegation is that the percentage of Ethyl Alcohol in toddy exceeds the permissible figure cannot be sustained.

2. This Crl.M.C. is, in these circumstances, allowed. All proceedings in pursuance of C.R.No. 25/2005 of the Excise Range, Chathannoor, against the petitioner are hereby quashed.

**(R. BASANT)**
Judge

tm